

PLANNING COMMISSION MINUTES

Gardner, Kansas

Monday, October 8, 2007

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

I. Call to Order

Chairman Koranda called the meeting to order at 7:06 p.m. Commissioners present: Stephen Koranda, Greg Godwin, Paul Kilgore, Eric Schultz, Jason Burnett and Dan Popp. Commissioner(s) absent: Eileen Mertz. Also present: Planners Amy Banks and Jennifer Dady, Ken Rogler of Waverly 175 and Judd Claussen of PEI.

II. Pledge of Allegiance

Chairman Koranda led the Pledge of Allegiance.

III. Approval of Minutes

The minutes of the September 24, 2007 meeting, were approved by unanimous consent.

IV. Consent Items

1. FDP-07-06 The Reserve at Waverly Pointe, Third Plat

Consider a Final Development Plan for The Reserve at Waverly Pointe, Third Plat, a 2.216 acre planned multi-family residential development located north of 175th Street and west of Pear Street. The application is filed by Phelps Engineering, Inc.; with engineering services provided by Phelps Engineering, Inc.

1. **APPLICANT:** The applicant is Waverly 175, L.L.C., with engineering services provided by Phelps Engineering, Inc.
2. **REQUESTED ACTION:** The applicant requests final development plan approval for a four-building townhouse development.
3. **LOCATION:** The 2.2-acre site is located 1/8 mile north of 175th Street and ¼ mile east of Waverly Road.
4. **EXISTING ZONING:** This property is currently zoned RP-3, Planned Garden Apartment District (Z-07-01).
5. **ANALYSIS:** The applicant requests final development plan approval for the Reserve at Waverly Pointe, Third Plat, a four-building townhouse development.

Final Development Plan

The submitted final development plan follows the revised preliminary development plan (PDP-07-02), with the exception of revisions to the landscape plan. The new landscape plan meets current requirements.

Buildings

The buildings are proposed to be constructed with stone and stucco on all street-facing sides of the buildings and hardboard siding on the other sides. Three of the 22 proposed units will be one-story units with two bedrooms each, and the remaining 19 units will be two-story units with three bedrooms each. Each unit will have a one-car garage. This property will later be subdivided to allow the units to be individually sold.

Setbacks

The proposed setbacks for this development plan are less than what would be required in a traditional or Euclidean R-3 zoning district (30' front, 20' street-side of a corner lot, 7' side, and 25' or 20% rear). However, this is a planned RP-3 zoning district, which allows some flexibility in this matter. Because this proposed plan follows the approved preliminary development plan (PDP-07-02), staff finds the proposed setbacks to be acceptable.

Parking

In the R-3 zoning district, the parking requirements (per unit) are based upon the number of bedrooms in each unit. Two parking spaces are required for each two-bedroom unit and 2.5 parking spaces are required for each three-bedroom unit. Again, however, this is a planned RP-3 zoning district, which allows some flexibility in this matter. Based upon the requirements outlined for the traditional or Euclidean R-3 district, 54 parking spaces would be required. The proposed plan shows 44 spaces (including the garages and the driveways behind the garages). That means that there would be two parking

spaces per unit, with no additional spaces provided. The applicant respectfully requests that the plan be approved with the parking as proposed for the following reasons:

- a. These townhomes are for sale and will be owner occupied. It is not anticipated that the higher parking loads typically found on projects that are for rent will be required.
- b. This is a planned zoning district which allows for a reduction in parking requirements.
- c. The street is built to residential city standards, which would allow for some limited overflow parking on the street in accordance with the city's municipal code.
- d. The HOA covenants further restrict permanent parking in the street.

Staff agrees that a reduction in the parking requirements is not unreasonable for this development.

6. **STAFF RECOMMENDATION:** Staff recommends approval of the final development plan for the Reserve at Waverly Pointe, Third Plat (FDP-07-06), subject to the following stipulations:
 - a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

2. FP-07-17 The Reserve at Waverly Pointe, Third Plat

Consider a Final Plat for The Reserve at Waverly Pointe, Third Plat, a 2.216 acre planned multi-family residential development located north of 175th Street and west of Pear Street. The application is filed by Phelps Engineering, Inc.; with engineering services provided by Phelps Engineering, Inc.

1. **APPLICANT:** The applicant is Waverly 175, L.L.C., with engineering services provided by Phelps Engineering, Inc.
2. **REQUESTED ACTION:** The applicant requests final plat approval for a tract of land containing approximately 2.2 acres for a planned multi-family residential development.
5. **LOCATION:** The site is located 1/8 mile north of 175th Street and ¼ mile east of Waverly Road.
6. **EXISTING ZONING:** This property is currently zoned RP-3, Planned Garden Apartment District (Z-07-01).
5. **ANALYSIS:** The applicant requests approval of a final plat for The Reserve at Waverly Pointe, Third Plat. Approval for this plat is requested to delineate four lots upon which townhomes will be built.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Final Plat for the Reserve at Waverly Pointe, Third Plat (FP-07-17), and forward the item to the City Council with a recommendation to accept the easements and rights-of-way, subject to the following stipulation:
 - b. Prior to recording of the final plat, the required excise tax shall be paid.

Motion: Godwin, Second: Burnett, to Approve the Final Development Plan for The Reserve at Waverly Pointe, Third Plat (FDP-07-06) and forward the Final Plat for The Reserve at Waverly Pointe, Third Plat (FP-07-17) to the City Council with recommendations for approval of the easements and rights-of-way, each subject to staff recommendations.

Motion Carried: 6 to 0 Aye (Mertz: Absent.)

Chairman Koranda asked for a discussion on: Reviewing Site Plans MARC Planning & Zoning Commissioners Workshop Series, be placed on the October 22, 2007 agenda.

V. Agenda Items

1. Amendments to Chapter 17, Subdivision Regulations

Conduct a public hearing to consider amendments to Chapter 17.

Staff Comments

The following is a list of the amendments to the Chapter 17 of the City Code – Subdivision Regulations. Many of the proposed text amendment changes are necessary due to the recently adopted code changes to Chapter 13 of the City Code – Streets and Sidewalks, and text changes to the city's Technical Specifications for Public Improvement Projects, as recommended by the city's engineering staff.

K.S.A. 12-749 requires that the Planning Commission conduct a public hearing before adopting or amending any subdivision regulations. With the publication of notice for a Public Hearing to consider amendments to Chapter 17 – Subdivision Regulations.

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Specific text amendments to Chapter 17 to consider:

Based on Engineering staff's recommendation to changes to Chapter 13 – Streets and Sidewalks.

- Modifications to the minimum amount of rights-of-way that would be required to be dedicated for Arterial Streets to 120 total feet. The code currently requires 100' of right-of-way for major arterials, 80' for minor arterials, and includes provisions for wider right-of-way close to intersections (17-307.2) Other code changes may be necessary to codify many of the listed street development standards.
- Standardizing the sidewalk requirements (4' sidewalks on both sides for residential and collector streets and 5' sidewalks on both sides of arterials) The code in the subdivision regulations (17-403.2)

Other potential text amendment changes to consider in Chapter 17:

- Addition of a Statement of Intent (Article I)
- Revised standards on Preliminary Plat submission and approval process. 17-202)
- Addition and revision to definitions (Article I)
- Revisions to procedures for submission for recommendation and approval and a section addressing the issuance of building permits on unplatted land (Article II).
- Amending the hard application submittal dates in the existing code to reference the application submittal schedule adopted by the Planning Commission each year (Article II).
- Defining a Minor Subdivision approval process, where a preliminary plat may be submitted concurrently with the final plat for consideration, or not required at all (Article II).
- The addition of a section referencing the Major Street Map of the Community Development Plan (Article III).
- Refining the length of time a final plat must be recorded to remain valid (17-203.4)
- Removal of redundant information in the Street Arrangement section that were addressed with the adoption of Chapter 13.
- Eliminating the Dwelling Size Classification requirement provision (17-309)
- Addition of text provisions addressing the need to protect lots from flooding, based upon recently adopted Engineering standards.
- Updated standards for Subdivision Entrance and Other Decorative Structures section, including the consideration of Master Fence/Screening provisions for developments adjacent to arterial thoroughfares.
- Update Peripheral Street Improvements Section (Excise Tax) as new article.
- Elimination of the Industrial Airport Overlay District Standards (Article VII).

Planner Jennifer Dady gave a PowerPoint presentation that explained the changes staff recommends. The PowerPoint topics were: Proposed Amendments; Building Permits on Unplatted Land; Clean-up Application Submission Dates; Final Plat Recordation; Plat Stipulations; Streamlining Development Process; Minor Subdivisions; Major Street Map; Removal of Redundant Information; Protection From Flooding; Elimination of Dwelling Size Criteria; Standardize Sidewalk Requirements; Excise Tax Text; Elimination of Airport Overlay District.

Planner Dady gave an example to the commissioners, for reference, of the City of Overland Park, Kansas' Master Fence/Screening Plan Ordinance.

Motion Schultz, Second Popp to Table the Chapter 17 Amendments to the October 22, 2007 Planning Commission meeting.

Motion Carried: 6 to 0 Aye (Mertz: Absent.)

V. Adjourn

Motion Kilgore, Second Schultz to Adjourn the meeting at 7:32 PM

Motion Carried: 5 to 1 Aye (Mertz: Absent.); Godwin - Nay

Angie Lind, Planning Service Specialist
Community Development Department